

REMARKS

Claims 1 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,324,565 to Holt III ("Holt"), in view of U.S. Patent No. 6,526,580 to Shimomura et al ("Shimomura") and further in view of U.S. Patent Application Publication No. 2004/0064570 to Tock ("Tock").

Claims 2 and 4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Holt in view of Shimomura and Tock, and further in view of U.S. Patent No. 6,457,047 to Chandra et al. ("Chandra").

Claims 1-4 remain pending.

Rejection of Claims 1 and 3 under 35 U.S.C. Section 103(a)

The Office Action states that Holt teaches substantially the invention as claimed except generating XML documents from XML elements, which Shimomura allegedly teaches. The Office Action also states that Holt does not teach that the client can be one of a plurality of types of devices, which Tock allegedly teaches.

Independent claim 1 has been amended to point out more clearly what Applicants regard as the invention. Support for the claim amendment can be found, at least, on page 11, line 18 to page 12, line 10 of the specification.

Specifically, Applicants' independent claim 1 teaches, in part, an apparatus for providing instant information service for a plurality of types of devices. The apparatus includes a cache for caching the XML elements in a document object model tree according to a cache strategy including at least one of depth, medium, weight, and scale, the XML elements formed by the network connecting unit by packaging.

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Page 4 of 8

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Holt teaches only retrieving information to generate documents and returning them to a client. Holt does not teach or suggest specifically retrieving information and generating documents in XML format to produce objects that are compatible with, and retrievable by, a plurality of types of devices. Holt is specifically limited to retrieving documents for client computers. Holt also does not teach caching XML elements in a document object model tree according to a cache strategy including at least one of depth, medium, weight, and scale.

Shimomura only mentions that a popular current method of presenting information is in the form of World Wide Web pages formatted in HTML or XML. Shimomura neither teaches nor suggests using XML for implementation on a plurality of types of devices. Shimomura also does not teach or suggest caching XML elements in a document object model tree according to a cache strategy including at least one of depth, medium, weight, and scale.

Tock teaches a system and method for enabling a client application to operate offline from the server. For each request, the client application registers a request entry with a scheduler, informing the scheduler of an associated application callback. The scheduler then invokes this application callback when a network connection is available for use, and the client application then sends the request to the server. Error recovery methods are described for requests that are sent to the server but for which no reply is received, and for other error scenarios.

Further, the passages cited by the Examiner on page 8, paragraph 85 refer to a web browser or client side application being capable of executing on any type of client computer. The cited passages do not teach or suggest retrieving XML elements and packaging the XML elements into a XML document and sending it back to the at least one of the plurality of types of devices. Moreover, Tock also does not teach or suggest caching XML elements in a document

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Page 5 of 8

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object model tree according to a cache strategy including at least one of depth, medium, weight, and scale.

In contrast, Applicants' invention involves, in part, a system and apparatus for providing instant information service for a plurality of types of devices. The invention includes a network connecting unit that fetches data from backend servers and packages the data into XML elements. The invention further includes a controller and a cache, which caches the XML elements formed by the network connecting unit. The XML elements are cached in a document object model tree according to a cache strategy including at least one of depth, medium, weight, and scale. The controller fetches relevant XML elements from the cache in response to a request for information service from at least one of the plurality of types of devices. When elements cannot be fetched from the cache, the controller also instructs the network connecting unit to fetch corresponding data from backend servers and obtains the XML elements formed by the network connecting unit. Further, the controller packages all the fetched XML elements into an XML document and sends it back to the at least one of the plurality of types of devices. XML is chosen as the format for the elements because XML is compatible with a plurality of device types, such as computers, cell phones, and wired telephones, for example.

Further still, there is nothing taught or suggested in Holt, Shimomura, or Tock that creates a motivation to combine the references. The Examiner cannot base obviousness upon what a person skilled in the art could, or might, try but rather must consider what the prior art would have led a person skilled in the art to do. In re Antonie, 559 F.2d 618 195 USPQ 6 (CCPA, 1977). To prevent the use of hindsight based on the invention to defeat patentability of the invention, the Examiner must show a motivation to combine the references that create the case of obviousness. In re Rouffet, 47 USPQ2d 1453 (Fed. Cir., July 15, 1998). The conclusion

asserted by the Examiner represents an impermissible use of hindsight gained from the present invention.

In view of the foregoing, it is respectfully submitted that Holt, Shimomura, and Tock, whether taken alone or in combination, do not teach or suggest the subject matter recited in claim 1 as each of these references fails at least to teach or suggest an apparatus for providing instant information service for a plurality of types of devices, where the apparatus includes a cache for caching the XML elements in a document object model tree according to a cache strategy including at least one of depth, medium, weight, and scale, the XML elements formed by the network connecting unit by packaging, and where data is retrieved and packaged into XML elements that are compatible with, and retrievable by, a plurality of types of devices.

Independent claim 3 has been amended to recite similar features as claim 1, and therefore is patentably distinct over Holt, Shimomura, and Tock for at least the reasons discussed in connection with claim 1.

Rejection of Claims 2 and 4 under 35 U.S.C. Section 103(a)

The Office Action states that Holt teaches an invention where documents for clients are generated from data obtained from the cache and the backend server to reduce network traffic. However, Holt does not teach of an indexing mechanism for creating indices for all the XML elements stored in the cache. The Office action further states that Chandra teaches a centrally maintained table in the cache directory for determining if the query is cached.

Holt, Shimomura, and Tock have been previously described and, whether taken alone or in combination, do not teach or suggest the subject matter recited in Applicants' independent claims 1 and 3. Further, because Holt, Shimomura, and Tock do not teach or suggest the subject


matter recited in independent claims 1 and 3, and because Chandra does not teach or suggest the elements of claims 1 and 3 that Holt, Shimomura, and Tock are missing, Chandra is irrelevant.

Claims 2 and 4, which depend directly or indirectly from the independent claims 1 and 3 incorporate all of the limitations of the corresponding independent claim and are therefore patentably distinct over Holt, Shimomura, Tock, and Chandra for at least those reasons provided for claims 1 and 3.

Conclusion

In view of the foregoing, applicants respectfully requests reconsideration, withdrawal of all rejections, and allowance of all pending claims in due course.

Respectfully submitted,


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Page 8 of 8

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